

# Fiscal Note

*Fiscal Services Division*



---

**HF 69** – Trespassing, Scheduled Fines (LSB1279YH)

Analyst: Debra Kozel (Phone: (515)281-6767) ([deb.kozel@legis.iowa.gov](mailto:deb.kozel@legis.iowa.gov))

Fiscal Note Version – New

---

## **Description**

**House File 69** makes changes to Iowa Code section **716.8** regarding trespassing. These changes include:

- A person that knowingly trespasses on property owned by another person commits a simple misdemeanor that is punishable as a scheduled violation.
- A person deer hunting that knowingly trespasses on property commits a simple misdemeanor that is now punishable as a scheduled violation.
- The creation of a new subsection that lists trespassing violation fines:
  - A first violation, \$200.00.
  - A second violation, \$500.00.
  - Third and subsequent violations, \$1,000.00.
- The creation of a separate subsection that applies to a person who commits intentional trespassing. The subsection defines it as a serious misdemeanor.

## **Background**

Under current law, trespassing is considered a simple misdemeanor. A simple misdemeanor is punishable by a fine of at least \$65.00 but not greater than \$625.00. The court can order imprisonment of not more than 30 days in lieu of a fine, or in addition to a fine. In FY 2016, there were 2,088 offenders convicted for trespassing and no convictions of intentional trespassing.

## **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day. Based on conviction data, the average county jail stay was six days at a cost of \$90.00 per conviction.
- For offenders on probation, the average cost is \$4.59 per day and the average probation period is 10.8 days, for a cost \$49.57 per conviction.

## **Impacts**

**Minority Impact:** There is no minority impact expected under HF 69. Offenders previously convicted under Iowa Code section **716.8** were predominantly male and Caucasian. Of the 2,088 offenders convicted in FY 2016, 1,304 (62.8%) were Caucasian, 370 (17.8%) were African American, and 278 (13.3%) of the offenders had an unknown race. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

**Correctional Impact:** Based on FY 2016 convictions, **Table 1** shows the reduction in orders to jail and probation related to trespassing if HF 69 were enacted.

**Table 1 - Reduction in Orders**

Reduction in Orders	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Jail Admissions	-293	-586	-586	-586	-583
Probation	-140	-281	-281	-281	-281

**Fiscal Impact:** Based on FY 2016 convictions, the estimated fiscal impact of trespassing scheduled violation revenue is summarized in **Table 2** below. The range of total fine revenue is estimated between \$418,000 and \$2.1 million per year.

**Table 2 Estimated Revenue from Scheduled Violation**

Scheduled Violation Fine Revenue Description	Minimum Revenue	Maximum Revenue
Total Revenue	\$ 417,600	\$ 2,088,000
Local Government - 5% of Revenue	\$ 20,880	\$ 104,400
General Fund - 95% of Revenue	\$ 396,720	\$ 1,983,600
Victim Compensation Fund - 17% of General Fund allocation	\$ 67,442	\$ 337,212

Based on FY 2016 convictions, the estimated fiscal impact of court costs related to trespassing offenses is presented in **Table 3** below.

**Table 3 - Simple Misdemeanor Court Costs**

Number of Convictions	Minimum Court Cost	Total Minimum Court Costs	Maximum Court Cost	Total Maximum Court Costs
2,088	\$ 30	\$ 62,640	\$ 300	\$ 626,400

Based on FY 2016 convictions, the reduction in persons going to jail or placed on probation for trespassing offenses will decrease costs to the General Fund, which is summarized in **Table 4** below.

**Table 4 - Savings From Reduction in Orders**

Number of Convictions	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>Reduced Jail Admissions</b>	<b>293</b>	<b>586</b>	<b>586</b>	<b>586</b>	<b>586</b>
Cost Savings Per Offender	\$ 90	\$ 90	\$ 90	\$ 90	\$ 90
Total Cost Savings - Jail	\$ 26,370	\$ 52,740	\$ 52,740	\$ 52,740	\$ 52,740
<b>Reduced Probation</b>	<b>140</b>	<b>281</b>	<b>281</b>	<b>281</b>	<b>281</b>
Cost Savings Per Person	\$ 50	\$ 50	\$ 50	\$ 50	\$ 50
Total Probation Cost Savings	\$ 6,940	\$ 13,929	\$ 13,929	\$ 13,929	\$ 13,929
<b>Total Cost Savings</b>	<b>\$ 33,310</b>	<b>\$ 66,669</b>	<b>\$ 66,669</b>	<b>\$ 66,669</b>	<b>\$ 66,669</b>

**Sources**

Department of Human Rights, Criminal & Juvenile Justice Planning Division  
LSA Calculations

/s/ Holly M. Lyons

---

February 15, 2017

---

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

---